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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,  
Plaintiff,

vs.

EMIL ASSENTATO, TAX DEED  
ENTERPRISES LLC, STEVE WEERA  
TONASUT TRUST,  
Defendant.

CASE NO. 2:23-cv-09272-MEMF-KS

**Advanced Notice to Withdrawal**

**Motion for Entry of Default**

**Judge:** Honorable Maame Ewusi-  
Mensah Frimpong

**Magistrate Judge:** Karen L.  
Stevenson

**Action Filed:** 04/20/2023

**Action Due:** 05/22/2023

**ADVANCED NOTICE TO WITHDRAWAL  
MOTION FOR ENTRY OF DEFAULT**

**NOTICE TO THE COURT**, pursuant to *L.R. 7-16* and in spirit of *F.R.C.P. 1* the Plaintiff withdraws its motion for entry of default. (Dk. 19, Dk. 22). The Plaintiff has been notified by the Defendants Counsel that he has been retained by the Defendants.<sup>1</sup>

**THEREFORE**, Plaintiff respectfully requests that the Motion for Entry of Default be withdrawn, but the Defendants “show good” for their untimely appearance.

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<sup>1</sup> (Dk. 23, 3-8), Emails, Attorney Hickman & Pro Se Brown. (May 24-25, 2023), *F.R.E. 201(b)(2)*.

“I, **Clinton Brown**, solemnly swear that I am submitting this filing with the Court, and that:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.”

“I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”



Clinton Brown

05/25/2023



Clinton Brown <clinton@atlasinc.solar>

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## Brown v. Assentato and Tonasut -- representation and admonishment

5 messages

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**Fred Hickman** <fredhickman@gmail.com>  
To: Clinton Brown <clinton@atlasinc.solar>

Wed, May 24, 2023 at 3:23 PM

Mr. Brown, I am retained now also to represent Mr. Assentato and Tax Deed Enterprises to defend this matter for them.

Cease and desist your false effort to obtain entry of a default against them. Neither has been served. I will bring this to the court's attention if you force it, by a motion. Withdraw the filing you just made.

Mr. Assentato and Tax Deed Ent. intend to zealously defend this case. No default is proper. Entry, if granted, will be challenged and set aside.

If you wish, you can send me a form to sign for waiver/acknowledge for service of process against them, using the court's mail procedure. And I will ask them whether they will consent to me signing it on their behalf for service of process to be effective by that procedure.

Again, cease and desist. No games. Stop the games.  
Fred Hickman, Esq.  
Hickman Law. 714-315-1565  
17602 17th St Ste 102 - 206, Tustin CA 92780

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**Clinton Brown** <clinton@atlasinc.solar>  
To: Fred Hickman <fredhickman@gmail.com>

Wed, May 24, 2023 at 3:30 PM

Fred,

You should submit to the Court that you're the attorney of record for the parties. The deadline passed and there was no appearance by your new clients. Therefore, a notice of entry of default was entered.

The Plaintiff will submit any and all papers relevant to this case without your consent or approval.

Sincerely,



**Clinton Brown**

CEO, Atlas, Inc.

310-487-6453 | clinton@atlasinc.solar

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**Clinton Brown**

**Atlas, Inc.**

CEO

Autonomous Solar Fields

Cell: 310-487-6453

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**Fred Hickman** <fredhickman@gmail.com>

Wed, May 24, 2023 at 3:38 PM

To: Clinton Brown <clinton@atlasinc.solar>

Mr. Brown, neither of them have been served. Improper.

*Fred Hickman, Esq.*

*Hickman Law. 714-315-1565*

*17602 17th St Ste 102 - 206, Tustin CA 92780*

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**Clinton Brown** <clinton@atlasinc.solar>

Wed, May 24, 2023 at 3:55 PM

To: Fred Hickman <fredhickman@gmail.com>

Fred,

I guess Defendants found out about the lawsuit through a little birdie.

I'll let you explain the "improper" service to the Court. (Dk. 19, Dk. 22). The Defendants have retained Counsel and no service will be attempted again by the Plaintiff, unless the Court orders otherwise.

Sincerely,



**Clinton Brown**

CEO, Atlas, Inc.

310-487-6453 | clinton@atlasinc.solar

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**Fred Hickman** <fredhickman@gmail.com>  
To: Clinton Brown <clinton@atlasinc.solar>

Wed, May 24, 2023 at 3:57 PM

**You emailed it? Wrong.**

*Fred Hickman, Esq.*  
*Hickman Law. 714-315-1565*  
*17602 17th St Ste 102 - 206, Tustin CA 92780*

[Quoted text hidden]



Clinton Brown <clinton@atlasinc.solar>

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## **Brown v Assentato -- no service or waiver as to Defendants / meet and confer / notice**

1 message

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**Fred Hickman** <fredhickman@gmail.com>  
To: Clinton Brown <clinton@atlasinc.solar>

Thu, May 25, 2023 at 1:52 PM

Mr. Brown, this covers several matters.

I have reviewed your document no. 22 filed with the court. It shows that there is no service of process on defendants, Assentato and Tax Deed Ent. Rather, it shows absolutely no service, as they did not and have not "signed" the waiver of service form you emailed. My clients did not sign one. So if one "shows" up as "signed" to "waive", it would be a falsehood, and quickly and easily exposed to the court. Especially after your Doc. 22 filing showing no signature on the waiver, and my caution here in this email.

Your attempt to seek entry of their default is frivolous and an abuse of the court system. Again, cease and desist attempting to obtain an unlawful default, which at this procedural juncture, you can only do by deceit and fraud on the court. And if you do, I will bring it to the court's attention.

You might wish to review FRCP Rule 11.

Again, if you wish to use the court's mail process, then mail it to me, with the required documents and forms properly completed, and I will inquire of my client if they will have me sign for service of process against them.

But I will not inquire with my clients on this beforehand, because you are operating procedurally in bad faith to this present time.

It is rather remarkable you would engage in these tactics. Perhaps I am misinformed, but you may have obtained a law degree. Further, I am informed, but perhaps misinformed, that you are a licensed real estate professional.

I would not know it by either your lawsuit or your conduct in this manner.

To hopefully avoid burdening the court with another motion to dismiss like that I filed for Mr. Tonsut in this matter, I am willing to meet personally to meet and confer on this matter, before filing that motion to dismiss for Assentato and Tax Deed Ent., should you ever serve process and should a response from them ever be due. You are not entitled to and I am not required to do a meet and confer with you, but the Local Rules, and the assigned District Judge's rules do not require it of counsel, where the opposing person is a person representing himself, individually, as you are, "pro se".

But I am willing to do that in the interests of judicial economy.

And speaking of judicial economy, you should review the substance of the pending motion to dismiss, and amend or dismiss your complaint accordingly.

You may think that you can get away with something here. But you are

wrong. The process and the law and equity will prevent you taking unfair advantage, and prevent your frivolous suit, lacking any merit at all, from obtaining anything but a judgment in favor of defendants against you.

Furthermore, please be aware, and this is formal notice, that defense costs and defense attorneys' fees in this matter incurred because of your suit against your lenders, Tonasut and Assentato, on a first and second, against Atlas real property security, purchase money loans that they are, will have all such costs and fees added to the loan obligation, as is proper, under the promissory notes and deeds of trust. You waste time and assets here, as the encumbrance will suffer and leave less for Atlas at the end of the day if and when the security property is liquidated.

End.

Fred Hickman, Esq.

Hickman Law. 714-315-1565

17602 17th St Ste 102 - 206, Tustin CA 92780